

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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THOMAS D. RAFFAELE,

PLAINTIFF,

-against-

THE CITY OF NEW YORK; RAYMOND W. KELLY, individually and in his official capacity as Police Commissioner for the City of New York; RICHARD A. BROWN, in his official capacity as the Queens District Attorney; DANIEL O'LEARY, individually and in his official capacity as an Assistant District Attorney of Queens County; PETER A. CRUSCO, individually and in his official capacity as an Assistant District Attorney of Queens County; LUIS SAMOT, individually and in his official capacity as a New York City Police Officer; RUSSELL LAWRY, individually and in his official capacity as a New York City Police Officer; JON-KRISTIAN RZONCA, individually and in his official capacity as a New York City Police Officer; MOSES LEE, individually and in her official capacity as a New York City Police Officer; CARON ADDESO, individually and in her official capacity as a New York City Police Officer; DAVID TAORMINA, individually and in his official capacity as a New York City Police Officer; ANIBAL MARTINEZ, individually and in his official capacity as a New York City Police Officer; and NICHOLAS GIGANTE, individually and in his official capacity as a New York City Police Officer,

DEFENDANTS.

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Barak P. Cardenas, Esq., an attorney duly admitted to practice law before the courts of the State of New York and in the United States District Court for the Eastern District of New York, declares under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a member of CARDENAS ISLAM & ASSOCIATES, P.L.L.C., the attorneys for plaintiff Thomas D. Raffaele. As such, I am familiar with the facts and circumstances set forth herein.

2. I submit this declaration in opposition to the motion for partial summary judgment by defendants City of New York, Sergeant Jon-Kristian Rzonca, Police Officer Luis Samot, Police Officer Russell Lawry, Police Officer Moses Lee, Lieutenant Caron Jo Addesso, Sergeant David Taormina, Police Officer Anibal Martinez, and Police Officer Nicholas Gigante.

3. Annexed hereto as **Exhibit "A"** is a true and correct copy of the transcript of the deposition of plaintiff, Thomas D. Raffaele, held on September 11, 2014.

4. Annexed hereto as **Exhibit "B"** is a true and correct copy of the transcript of the deposition of defendant Sergeant David Taormina, held on October 28, 2014.

5. Annexed hereto as **Exhibit "C"** is a true and correct copy of the transcript of the deposition of defendant Police Officer Luis Samot, held on September 30, 2014.

Dated: Jamaica, New York
August 11, 2016



Barak Cardenas, Esq.
Cardenas Islam & Associates P.L.L.C.
175-61 Hillside Avenue
Queens, New York 11432
Attorney for Plaintiff,
Thomas D. Raffaele